

FIRST READING: 12.13.21
SECOND READING: 12.20.21
THIRD READING: _____

ORDINANCE NO. 103-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY CHAPTER 1101 GENERAL PROVISIONS, REGARDING ARTICLE III, SECTION 13, ENTITLED ENACTMENT OF ZONING ORDINANCES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

WHEREAS: Article III of the Charter of the City of Rocky River, entitled The Council, Section 13 entitled Enactment of Zoning Ordinances, was amended by the electors on November 4, 2014 to allow for service of notices via regular first class mail or in accordance with the Ohio Revised Code; and

WHEREAS: Rocky River Codified Ordinance Chapter 1101 serves as a cross reference of Charter sections relative to the Development Code; and

WHEREAS: In light of the passage of the above mentioned Charter amendment, the corresponding change is required for Chapter 1101, Article III, Section 13 in order to bring the Code section into agreement with the Charter amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Chapter 1101, Article III, Section 13 of the Codified Ordinances of the City of Rocky River entitled "Enactment of Zoning Ordinances" be amended as further described in the attached Exhibit "A".

SECTION 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: December 20th, 2021


JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: December 20th, 2021 APPROVED: December 20th, 2021

ATTEST:

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 20th day of December, 20 21.



Clerk of Council of the City of Rocky River, Ohio


SUSAN G. PEASE
Clerk of Council

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 103-21 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 20th DAY OF December 20 21 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 103-21

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 20th DAY OF December, 20 21.



CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

CHAPTER 1101

General Provisions

EDITOR'S NOTE: This Chapter has been established to provide a place for cross references and to repeat the City Charter provisions relative to planning and zoning, which provisions may only be amended by the electors. Sections referred to are numbered exactly as in the Charter.

ARTICLE III - THE COUNCIL

SECTION 13. ENACTMENT OF ZONING ORDINANCES.

The Council shall provide by ordinance for a procedure for the adoption of and amendments to any zoning ordinance and the maps and regulations relating thereto; provided, however, that the procedure established by ordinance must include:

- (1) A provision for public hearing on and prior to any such adoption or amendment.
- (2) A provision for notice of the time and place of such public hearing by publishing notice of such hearing once a week and on the same day of each week for two (2) consecutive weeks in a newspaper determined by Council to be of general circulation within the City.
- (3) A provision that if such adoption or amendment intends to rezone or redistrict twenty (20) or less parcels of land as listed on the then current tax list and duplicate, then written notice of the time and place of the hearing shall be mailed by the Clerk of Council by ~~certified mail~~ **first class regular mail or in accordance with the Ohio Revised Code** at least twenty (20) days prior to the date of the public hearing to the owners of property within, abutting on and directly across the street from the parcel or parcels to be rezoned or redistricted and in addition, to the owners of property which is contiguous to (touches upon) any of the aforesaid property which abuts on or is directly across the street from the parcel or parcels to be rezoned or redistricted, to the addresses of such owners as such addresses appear on the County Auditor's then current tax list or the County Treasurer's mailing list. The failure to substantially comply with the foregoing public hearing and notice requirements, when established by ordinance of Council, shall invalidate any ordinance, map or regulation which may be adopted; provided, however, if no contest by litigation shall be filed raising the failure to comply with the foregoing public hearing and notice requirements within thirty (30) days following the effective date of such ordinance, map or regulation, then such ordinance, map or regulation shall be valid as if there had been full compliance with the foregoing requirements of public hearing and notice. Until the completion of such thirty (30) day period, the Clerk of Council shall retain for public inspection all ~~certified mail receipts~~ **certificates of mailing** which pertain to such ordinance, map or regulation. Failure of delivery of the ~~certified~~ mail notice shall not invalidate any ordinance, map or regulation which may be adopted. The passage as an emergency measure of any ordinance effecting a change in zoning or districting is prohibited.

(Amended 11-7-72. Amended 11-4-14.)